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09/703,612	11/02/2000	Angelo Masciantonio	044959-5001	2780

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

DELGADO, MICHAEL A

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 01/20/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

22

Office Action Summary

Application No.

09/703,612

Applicant(s)

MASCIANTONIO ET AL.

Examiner

Michael S. A. Delgado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-13, 14-15 and 17-30 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 5,960,406 by Rasansky et al.

In Claim 1, Rasansky teaches about a system for allowing users to simultaneously contact multiple providers “end user” to secure an appointment on short notice, the system comprising (Col 1, line 65- Col 2, line 10):

a facilitator “local director” that sets up, mediates, and monitors communications between the providers and the users and intervenes directly if needed (Col 2, lines 14-21), (Col 4, lines 40-55);

a web application that includes a web site for facilitating interaction with the system (Col 2, lines 25-35);

a provider network for processing information provided by users of the system (Col 4, lines 40-55); and

a storage device for storing information processed by the system “database system” (Col 5, lines 9-26).

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In Claim 2, Rasansky teaches about a system of claim 1, wherein each provider is allowed to view and obtain requests for appointments from new users (Col 5, lines 9-26).

In Claim 3, Rasansky teaches about a system of claim 1, wherein users are both members who have previously registered with the system and prospective members of the system (Col 16, lines 5-25), (Col 16, lines 40-50)

In Claim 5, Rasansky teaches about a system of claim 1, wherein the storage device includes a database for storing information and a data server for maintaining the database and information, which is necessary to run the system (Col 5, lines 9-26).

In Claim 6, Rasansky teaches about a system of claim 1, wherein the web application includes a web server for converting all hypertext based requests to native commands for processing by components of the storage device and for dynamically generating HTML pages in response to the requests (Col 2, lines 25-35).

In Claim 7, Rasansky teaches about a system of claim 1, wherein the system provides different types of access and privileges “what permission is required” to different users based on at least one predetermined criterion “group id” (Col 11, lines 50-65).

In Claim 8, Rasansky teaches about a system of claim 7, wherein users may purchase access to the system through appropriate agents “billing subsystem” (Col 7, lines 50-60).

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In Claim 9, Rasansky teaches about a system of claim 7, wherein users may purchase access to the system through the web site “web server” (Fig 1B, 50), (Col 7, lines 50-60).

In Claim 10, Rasansky teaches about a system of claim 1, wherein users may access the system through on-line means (Col 5, lines 40-50).

In Claim 11, Rasansky teaches about a system of claim 1, wherein users may access the system through off-line means (Col 5, lines 35-40).

In Claim 12, Rasansky teaches about a system of claim 1, wherein prior to using the system, providers must register a practice “organization name” and the individual providers “user” in the practice and the facilitator activates the registration after predefined contract agreements are ratified (Col 16, lines 5-25), (Col 11, lines 15-50).

In Claim 13, Rasansky teaches about a system of claim 12, wherein providers may register practices for future “not yet active user” partnerships (Col 16, lines 40-50).

In Claim 14, Rasansky teaches about a method for enabling a user to simultaneously contact multiple providers to secure an appointment on short notice, the method comprising the steps of (Col 1, line 65- Col 2, line 10):

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entering, by the user, at least one required criterion on a system web site (Col 2, lines 25-35);

determining, by the system each provider within a specified area that meets the required criterion (match a group id) and identifying each provider's proximity to the user's location "time zone" (Col 11, lines 10-50), (Col 12, lines 50-65);

providing, by the system, a list of providers to the user (Col 15, lines 25-35);

selecting, by the user, multiple providers from the list and submitting the selected multiple providers to the system (Col 15, lines 25-35);

notifying, by the system, the selected providers (Col 5, lines 25-40);

responding to the notification by each selected provider (Col 18, lines 25-35);

displaying to the user, by the system, the responses from each selected provider (Col 18, lines 25-35);

confirming, by the user, one response with one selected provider (Col 16, lines 25-40);
and

notifying, by the system, those providers whose responses were not accepted by the user "event which has hereto not been achievable- no agreement" (Col 18, lines 25-35).

In Claim 15, Rasansky teaches about a method of claim 14, further comprising the steps of allowing providers with available appointment times to specify those times in the system "interactive(Col 18, lines 35-40); and

displaying all available appointment times (part of profile of users) that meet at least one required criterion (decision using statistic) when the user visits the web site (Col 18, lines 35-40).

In Claim 17, Rasansky teaches about a method of claim 14, wherein the step of providing comprises the step of providing biographical information “view record” for each provider (Col 15, lines 30-40).

In Claim 18, Rasansky teaches about a method of claim 14, wherein the step of notifying comprises the step of using unique identifiers “Email address or fax number” assigned to each of the selected providers to generate a notification for each of the selected providers (Col 5, lines 25-40).

In Claim 19, Rasansky teaches about a method of claim 14, wherein the step of notifying comprises the step of sending an e-mail message to each of the selected multiple providers (Col 5, lines 25-40).

In Claim 20, Rasansky teaches about a method of claim 14, wherein the step of notifying comprises the step of sending a fax message to each of the selected multiple providers (Col 5, lines 25-40).

In Claim 21, Rasansky teaches about a method of claim 14, wherein the step of responding comprises the step of visiting the web site, entering an authentication code and responding to an appointment request by the user (Col 5, lines 25-40), (Col 6, lines 45-55).

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In Claim 22, Rasansky teaches about a method of claim 14, wherein the step of displaying comprises the steps of collating the responses by the system and forwarding the collated responses to the user (Col 18, lines 25-35).

In Claim 23, Rasansky teaches about a method of claim 14, wherein the step of displaying comprises the steps of collating the responses by the system and showing the collated responses to the user when the user logs in to the web site at a later time (Col 18, lines 25-35).

In Claim 24, Rasansky teaches about a method of claim 14. wherein the step of displaying comprises the step of forwarding, E-mail messages with the responses to the user (Col 18, lines 25-35).

In Claim 25, Rasansky teaches about a method of claim 14. wherein the step of confirming comprises the step of confirming the one response directly with the one selected provider (Col 16, lines 25-40).

In Claim 26, Rasansky teaches about a method of claim 14, wherein the step of confirming comprises the step of clicking on a button, on the web site, that is associated with the one response (Col 5, lines 50-65) (The system is HTML web base and will have a GUI interface).

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In Claim 27, Rasansky teaches about a method for enabling a facilitator to mediate communication exchanges between users and providers of a system that allows the users to simultaneously contact multiple providers to secure an appointment on short notice, the method comprising the steps of (Col 1, line 65- Col 2, line 10):

allowing the facilitator to view exchanges and histories of exchanges between users and providers “contact log” (Col 18, lines 25-35);

contacting the facilitator, by a user, to specify at least one required criterion (match a group id) for selecting a provider (Col 11, lines 10-50), (Col 12, lines 50-65);

determining, by the facilitator, each provider within a specified area that meets the at least one required criterion (match a group id), identifying each provider's proximity to the user's location “time zone” and providing a list of providers “view record” to the user (Col 11, lines 10-50), (Col 12, lines 50-65), (Col 15, lines 25-40);

selecting by the user, multiple providers from the list and submitting the selected multiple providers to the facilitator (Col 15, lines 25-35);

notifying, by the facilitator, the selected multiple providers (Col 5, lines 25-40);

responding, by the provider, to the notification (Col 18, lines 25-35);

communicating, by the facilitator, the responses to the user (Col 18, lines 25-35);

confirming, by the user, one response with one selected provider (Col 16, lines 25-40);

and

notifying, by the facilitator, those providers whose responses were not accepted by the user “event which has hereto not been achievable- no agreement” (Col 18, lines 25-35).

In Claim 28, Rasansky teaches about a method of claim 27, wherein the step of responding comprises the step of faxing a response to a facilitator (Col 5, lines 25-40).

In Claim 29, Rasansky teaches about a method of claim 27, wherein the step of allowing comprises the steps of checking, by the system, that each request has been processed within a predefined period of time and issuing a request to a monitoring group if the request has not been processed (Col 17, lines 25-50).

In Claim 30, Rasansky teaches about a method of claim 27, wherein the step of issuing comprises the step of intervening to set up the appointment, by the monitoring group, if a provider does not respond to a request from a user within a predefined time (Col 7, lines 40-50).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,960,406 by Rasansky et al in view of "MULTILINGUAL GLOSSARY OF TECHNICAL AND POPULAR MEDICAL TERMS IN NINE EUROPEAN LANGUAGES", Final Report, Online: <http://allserv.rug.ac.be/~rvdstich/eugloss/information.html> .

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5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

In Claim 4, Rasansky teaches all limitation but does not explicitly system of claim 1, wherein the web site includes a list of common medical terms, phrases and pharmaceuticals that are cross-referenced in multiple languages, thereby enabling communications between users and providers who speak different languages.

The "MULTILINGUAL GLOSSARY OF TECHNICAL AND POPULAR MEDICAL TERMS IN NINE EUROPEAN LANGUAGES", teaches the above limitation. It would have been obvious at the time of the invention for some one of ordinary skill to combine both inventions to produce a scheduling system that can be used by different medical personals in different languages.

By incorporating the multilingual feature this insure that critical information can be access in the shortest time possible without any regards to the language of origin. It is crucial that information in the medical field is understood as soon as possible. This could be the difference between life and death for a patient.

Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,960,406 by Rasansky et al in view of US Patent No. 6,091,956 by Hollenberg.

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In Claim 16, Rasansky teaches all the limitation but does not explicitly teach about a method of claim 14, wherein the step of determining comprises the step of using a geo-locator tool to determine a longitude and latitude of each provider that meets the required criterion.

It is well known in the art that geo-locator like GPS system is used to determine object location. Hollenberg discloses the use of a GPS for this purpose (Col 8, line 60- Col 9, line 15). It would have been obvious at the time of the invention for some one of ordinary skill to use a GPS system in order to provide local critical information to a mobile operator.

Information that is unique to a location can be critical knowledge to a mobile operator. By using a GPS system the location of the mobile operator can be automatically found. The location will be used as an input to determine the mobile operator requires. The dynamic nature of the information is conveniently link to the operator position.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US patent no. 6,587,838 by Esposito et al. teaches about a method and system for conducting real time electronic commerce

US patent no. 6,526,335 by Treyz et al. teaches about an automobile personal computer system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is 703-305-8057. The examiner can normally be reached on 8 AM - 4.30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



MD

January 9, 2004



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100